

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BRITISH TELECOMMUNICATIONS))	
PLC and BT AMERICAS, INC.,))	
)	
Plaintiffs,))	
)	C. A. No.18-1018-CFC-MPT
v.))	
)	
FORTINET, INC.,))	
)	
Defendant.))	

INTERIM STATUS REPORT

Pursuant to Paragraph 7 of the Scheduling Order (D.I. 72), Plaintiffs British Telecommunications plc and BT Americas, Inc. (collectively, “BT”) and Defendant Fortinet, Inc. (“Fortinet”) respectfully submit this interim status report on the nature of the matters in issue and the progress of discovery to date.

I. NATURE OF THE MATTERS IN ISSUE

This is a patent litigation action. On July 10, 2018, BT brought this action against Fortinet for infringement of U.S. Patent Nos. 7,159,237; 7,895,641; 7,774,845; 7,693,971; and 7,370,358. Fortinet filed and served its Answer, Affirmative Defenses, and Counterclaims on January 10, 2020 (D.I. 49).

II. THE PROGRESS OF DISCOVERY TO DATE

The parties are continuing with the discovery process. On August 17, 2020, Fortinet served its objections and response to BT’s Interrogatory No. 1, which is directed to Fortinet’s non-infringement positions. BT has issues with Fortinet’s

objections and response to Interrogatory No. 1, but the parties have not yet met and conferred to discuss the objections and response and whether the issues can be resolved without the Court's assistance.

BT has agreed to a 30-day extension for Fortinet to respond to BT's First Set of Requests for Production (Nos. 1–66), which are now due on September 2, 2020. Fortinet's objections and responses to the remainder of BT's First Set of Interrogatories (Nos. 2–4) are due on September 9, 2020. On August 18, 2020, BT served its Second Set of Requests for Production (Nos. 67–106) on Fortinet. On August 26, 2020, Fortinet served on BT its First Set of Requests for Production (Nos. 1–77) and First Set of Interrogatories (Nos. 1–11).

Claim construction has also begun in the case. The Court has scheduled a Claim Construction Hearing for November 18, 2020. BT served its opening claim construction brief on August 21, 2020. Consistent with the parties' mutual understanding of Judge Connolly's practice, the parties have agreed not to address indefiniteness issues during claim construction. D.I. 87 at 8 n.6. Fortinet accordingly reserves the right to raise indefiniteness issues at a later time. D.I. 92. In addition, the parties will continue to meet and confer in an effort to narrow or otherwise refine their claim-construction disputes.

The parties will continue to work to attempt to resolve any discovery disputes and do not request the Court's assistance at this time. If the Court deems

it appropriate, the parties are available to discuss the status of the case with the Court now or at a later time.

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